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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,647	09/08/2003	Dale Nelson	25648-456701	2838

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EXAMINER

NGUYEN, CAMTU TRAN

ART UNIT PAPER NUMBER

3743

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,647

Applicant(s)

NELSON ET AL.

Examiner

Camtu T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 2,3 and 7-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-6 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Election/Restrictions

This Office Action is in response to applicant's election filed on November 18, 2004. Applicant's election without traverse of the first species of Figure 2 in the reply filed on November 18, 2004 is acknowledged. Applicant identified claims 1 and 4-9 as readable on the elected species. Examiner respectfully disagrees. In particular, claims 7-9 clearly drawn to the third species of Figure 4, claiming the electrode comprising a tubular array of conductive metal strands. Figure 4 illustrates a linear electrode, in an alternate embodiment, the tubular array of metal strands arranged in a braided construction (201).

The reasons presented above, claims 7-9 have been withdrawn from consideration.

Claim Objections

Claim 6 is objected to because it recites the guiding catheter having a second catheter steering mechanism. This limitation, as recited, appears to be very confusing. Does the guiding have a first steering mechanism? If so, where is it being claimed? Furthermore, the second steering mechanism, as recited, is this device for articulating/manipulating/steering the guiding catheter or the inner catheter? Clarification is required.

The claims, as being objected and rejected above, are further rejected on the merit as best can be understood and interpreted.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al (U.S. Patent No. 6,607,505) in view of Scheiner et al (U.S. Patent No. 6,212,434). Thompson et al discloses 1, 3, 4, and 6 a catheter assembly having electrode probe comprising elements set forth in these claims including a catheter (12) disposed in sheath (36). The distal end of the catheter includes an electrode structure (20) having electrode elements (22). The catheter assembly further having a steering mechanism (98) on a handle (18). Figure 2 illustrates the steering mechanism (98) pulling on the steering wire (96) apply bending forces on the distal end of the catheter (12). Thompson lacks the teach of the electrode elements (22) comprising a porous tip. Scheiner teaches in Figure 15b the electrode (461) comprises a porous tip electrode. Therefore it would have been obvious to one of ordinary skill in the art during the time of the invention to modify Thompson et al's electrode elements to include a porous tip as suggested by Scheiner as such would provide softness and enhance sensing capability during a procedure.

Claims 1, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shearon et al (U.S. Patent No. 5,919,188) in view of Scheiner et al (U.S. Patent No. 6,212,434). Shearon et al discloses a linear ablation catheter in Figures 1-5 comprising elements as recited in these claims except for the porous tip. Scheiner teaches in Figure 15b the electrode (461)

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comprises a porous tip electrode. Therefore it would have been obvious to one of ordinary skill in the art during the time of the invention to modify Sheron et al's electrode projection (33) to include a porous tip as suggested by Scheiner as such would provide softness and enhance sensing capability during a procedure.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al (U.S. Patent No. 6,607,505), as modified above, or over Shearon et al (U.S. Patent No. 5,919,188), as modified above, in view of Maguire et al (U.S. Patent No. 5,913,854). Thompson et al and Shearon et al, as modified above, discloses all elements as recited in these claims but lacks the teaching of a second steering mechanism. Maguire et al discloses a catheter (2) comprising elements as recited including a tip portion (10) carrying a set of electrodes (18) and the tip portion (10) is to be maneuverable and placeable in different configurations by one or more manipulators (12, 13). Therefore it would have been obvious to one skilled in art to modify the Thompson et al or the Shearon et al to include manipulators as taught by Maguire et al for the purpose of providing more one way to steer the catheter.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

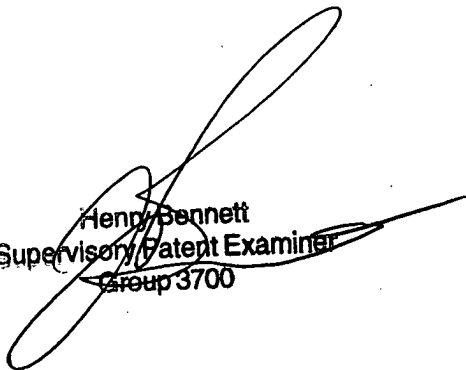
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camtu T. Nguyen whose telephone number is 703-305-0537. The examiner can normally be reached on (M-F) 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett can be reached on 703-308-0101. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Camtu Nguyen
November 29, 2004



Henry A. Bennett
Supervisory Patent Examiner
Group 3700